

**Written Testimony
Theresa C. Lantz, Commissioner
Department of Correction**

March 23, 2009

Raised Bill No. 1154, An Act Concerning Referral of Contested Cases and Settlements to the Chief Human Rights referee

The Department of Correction (DOC) respectfully submits testimony to express its opposition to section 4 of Raised Senate Bill No. 1154, *An Act Concerning Referral of Contested Cases and Settlements to the Chief Human Rights Referee*

Section 4 of the bill singles out the Departments of Correction, Public Safety and Children and Families for costly and unnecessary mediation of affirmative action complaints. The bill permits employees of these departments who are parties to any affirmative action complaint to request mediation before the Chief Human Rights Referee. Upon receiving this request, the Chief Human Rights Referee must assign the issue for mediation.

The Department is not opposed to the concept of mediating disputes between and from employees. Employees of the DOC, however, have many opportunities to mediate issues that they bring in the form of affirmative action complaints. Often, employees simultaneously file an affirmative action complaint, union grievance and complaint with the Commission on Human Rights and Opportunities (or Equal Employment Opportunity Commission). Each of these venues has the opportunity for mediation. The DOC offers mediation as part of the affirmative action process; union grievances are often mediated and settled before arbitration; and both the CHRO and EEOC require mediation at various stages in the process. If an employee remains unsatisfied with the resolution of his or her affirmative action, CHRO or EEOC complaint, the employee can often sue in court and avail himself or herself of mediation in that forum. The DOC will typically see mediation proceeding in several different forums simultaneously.

Because employees have so many opportunities for mediation, adding another forum in which they can mediate creates a financial burden on the DOC without providing any benefit for either the Department or its employees. Preparing for mediation before the Chief Human Rights Referee will require the expenditure of significant staff time and resources for both the DOC and the Chief Human Rights Referee. Imposing these additional costs during this economic climate for no discernable benefit does not appear to be appropriate.

An additional concern with the bill is that there is no time limit placed on when an employee can request mediation. Without a time limit, an employee who was party to an affirmative action complaint could request mediation five, ten, or even twenty years down the line. The ability to request mediation so far in the future does not encourage employees to quickly resolve issues and allows old grievances to fester and reemerge years later, to the detriment of a harmonious working environment.

Thank you for the opportunity to present the Department's views on Raised Bill No. 1154.